

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HENRY FELIZ-ARIAS,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

25-CV-5181 (PKC)

22-CR-629-4 (PKC)

ORDER DENYING MOTION  
UNDER 28 U.S.C. § 2255

P. KEVIN CASTEL, United States District Judge:

Movant Henry Feliz-Arias, who is currently incarcerated in the Middleton House of Correction in Middleton, Massachusetts, brings this *pro se* motion under 28 U.S.C. § 2255 challenging his conviction in *United States v. Feliz-Arias*, ECF 1:22-CR-629-4, 145 (S.D.N.Y. Jan. 25, 2025). Movant pleaded guilty to conspiracy to traffic firearms, unlawful dealing of firearms, and unlawful transport of firearms to an out-of-state recipient; on January 25, 2025, the Court sentenced him to consecutive prison terms totaling 115 months and three years’ supervised release.

On February 3, 2025, Movant filed a direct appeal (ECF 146). That appeal is currently pending. *See* No. 25-252 (2d Cir.).

Because Movant’s direct appeal is pending, the Court denies the present Section 2255 motion without prejudice as premature. The Court recognizes that it is not, strictly speaking, prohibited from adjudicating this motion while Movant’s direct appeal is pending. *See United States v. Outen*, 286 F.3d 622, 632 (2d Cir. 2002). But it is in the interest of judicial economy “to avoid confusion or waste of time resulting from having the same issues before two courts at the same time.” *United States v. Rodgers*, 101 F.3d 247, 251 (2d Cir. 1996) (internal quotation marks and citation omitted). The same judicial economy concerns animate the Court’s aversion to

Mailed to Mr. Feliz-Arias on 6/24/2025

expending its already scarce resources to reach a decision that could be rendered a “nullity” by the results of Movant’s direct appeal. *Outen*, 286 F.3d at 632.

Because Movant’s direct appeal is pending, his present motion is premature. The Court therefore denies the motion without prejudice to its refiling after the direct appeal is adjudicated.

### CONCLUSION

The Court denies the present motion under 28 U.S.C. § 2255 without prejudice as premature.

Because the present motion makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: June 24, 2025  
New York, New York

A handwritten signature in black ink, reading "P. Kevin Castel", is written over a horizontal line.

P. KEVIN CASTEL  
United States District Judge